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July 20, 2010

VIA ECF & US MAIL

The Honorable J. Curtis Joyner
United States Courthouse
Eastern District of Pennsylvania
601 Market Street
Room 8613
Philadelphia, PA 19106

Re: *Barbara Ellis v. Michael S. Matz, DMD d/b/a Elkins Park Dental Group*
Civil Action No.: 10-1037

Dear Judge Joyner:

As Your Honor may recall, I represent Plaintiff in the above referenced matter. Recently, Defendant served a Rule 68 Offer of Judgment to which Plaintiff accepted. Judgment was entered this morning, July 20, 2010.

The judgment does not reflect the offer of judgment served to Plaintiff, however. The offer of judgment, which was filed with this Court along with Plaintiff's acceptance on July 17, 2010, clearly states that judgment shall be entered for \$2,500 for Plaintiff and **"the judgment shall also include an amount for reasonable costs and attorney's fees accrued through the date of this Offer of judgment for Prosecution of Plaintiff's claim. Reasonable costs and attorney's fees are to be agreed upon by the parties, or, if the parties are unable to agree, to be determined by the Court on application by Plaintiff's counsel."** See Rule 68 Offer of Judgment, Document 11-1 at 4.

Accordingly, the judgment entered by this Court, for \$2,500 "including reasonable costs and attorney's fees" should be revised to reflect that actual offer: \$2,500 *plus* reasonable attorney's fees and costs.

I thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ *Justin L. Swidler*

Justin L. Swidler, Esq.

cc: Joshua Rubinsky (via ECF)